

Memorandum



Date: May 6, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Agenda Item No. 2(A)(1)

Subject: Report on November 2014 Cycle Applications to Amend the Comprehensive Development Master Plan

Recommendation

It is recommended that the Board of County Commissioners (Board) take action on Application Nos. 1 through 7 filed in the November 2014 Cycle Applications to amend the Comprehensive Development Master Plan (CDMP). The Board is scheduled to take final action on small-scale application Nos. 1 through 5 and transmittal action on standard Application Nos. 6 and 7, as indicated in the table below and further detailed in this memorandum.

APPLICATION NUMBER	ITEMS FOR CONSIDERATION BY THE BOARD
Application No. 1 (Small-scale Application)	Item No. 3A -- Ordinance (Final Action) Item No. 3A1 -- Resolution for Transmittal to DEO (if converted from a Small Scale to a Standard Application)
Application No. 2 (Small-scale Application)	Item No. 3B -- Ordinance (Final Action) Item No. 3B1 -- Resolution for Transmittal to DEO (if converted from a Small Scale to a Standard Application)
Application No. 3 (Small-scale Application)	Item No. 3C -- Ordinance (Final Action) Item No. 3C1 -- Resolution for Transmittal to DEO (if converted from a Small Scale to a Standard Application)
Application No. 4 (Small-scale Application)	Item No. 3D -- Ordinance (Final Action) Item No. 3D1 -- Resolution for Transmittal to DEO (if converted from a Small Scale to a Standard Application)
Application No. 5 (Small-scale Application)	Item No. 3E -- Ordinance (Final Action) Item No. 3E1 -- Resolution for Transmittal to DEO (if converted from a Small Scale to a Standard Application)
Application No. 6 (Standard Application)	Item No. 4E -- Resolution for Transmittal to DEO Item No. 4E1 -- Ordinance (First Reading)
Application No. 7 (Standard Application)	Item No. 4E -- Resolution for Transmittal to DEO Item No. 4E1 -- Ordinance (First Reading)

Small Scale Applications

Background

Five small-scale applications (Application Nos. 1, 2, 3, 4 and 5) were filed in the November 2014 Cycle of Applications to amend the CDMP. A description of the five small-scale applications and the recommendations of the Department of Regulatory and Economic Resources (RER) - Planning Division, Community Councils, and the Local Planning Agency are provided in Attachment A.

The attached Ordinances (Item Nos. 3A, 3B, 3C, 3D and 3E; approved on first reading in April 2015) provide for the Board's action on small-scale amendment Application Nos. 1, 2, 3, 4 and 5 respectively, filed in the November 2014 Cycle of Applications requesting amendments to the CDMP. State law allows the adoption of the referenced small-scale applications at the Board's CDMP public hearing currently scheduled for May 6, 2015. A CDMP amendment application is eligible, under Section 163.3187, Florida Statutes (F.S.), to be processed as a small-scale amendment to the local comprehensive plan if it involves 10 or fewer acres and the maximum total acreage in a calendar year for small-scale amendments does not exceed 120 acres. Since the County has not exceeded the acreage limitations for small-scale amendments to the CDMP for calendar year 2015, the Board has the ability to approve the proposed small-scale amendment Application Nos. 1, 2, 3, 4 and 5 totaling 17.66 gross acres, without prior review by the State Land Planning Agency.

At the May 6, 2015 public hearing, the Board will take final action on the attached ordinances (Item Nos. 3A through 3E) providing for final disposition of the November 2014 Cycle small-scale applications. Such action may be to adopt, adopt with change or not adopt the referenced small-scale amendment applications. If the Board does not adopt the referenced small-scale amendments, the Board may elect, by separate resolution, to transmit the proposed small-scale amendments to the State Land Planning Agency and other state and regional agencies for review and comments, and then take final action on July 22, 2015, after State review. Denial or failure to adopt a small scale amendment and failure to transmit a CDMP amendment application to the reviewing agencies for review effectively denies approval of the application for the amendment cycle.

Scope

The CDMP is a broad-based countywide policy-planning document created to guide future growth and development, to ensure the adequate provision of public facilities and services for existing and future populations in Miami-Dade County, and to maintain or improve the quality of the natural and man-made environment in the County. While the adopted text of the CDMP generally applies countywide, some text amendment applications and individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts. Application No. 1 is located within District 3 (Commissioner Edmonson); Application No. 2 is located within District 10 (Commissioner Souto); Application No. 3 is located within District 7 (Commissioner Suarez); Application No. 4 is located within District 8 (Commissioner Levine Cava); and Application No. 5 is located within District 9 (Commissioner Moss).

Fiscal Impact

There is no direct fiscal impact associated with Application Nos. 1, 2, 3, 4 and 5. However, the development allowed by CDMP amendment Application Nos. 1, 2, 3, 4 and 5 may have varying impacts to County services. The impacts associated with each application are discussed in the "Initial Recommendations, November 2014 Applications to Amend the Comprehensive Development Master Plan" report dated March 2015.

Track Record/Monitor

Amendments to the CDMP do not involve contracts so a Track Record/Monitor is not applicable.

Standard Applications

Background

Two (2) standard applications (Application Nos. 6 and 7) were filed in the November 2014 Cycle of Applications to amend the CDMP. A description of the standard applications and the recommendations of the RER - Planning Division, Community Councils, and the Local Planning Agency are provided in Attachment A.

At the conclusion of the public hearing for each standard application filed in the November 2014 Cycle of Applications, the Board will take action on a resolution issuing transmittal instructions for each application to the State Land Planning Agency. Each resolution (Item Nos. 4A and 4B) will also incorporate a request for the reviewing agencies to review and return their comments on the transmitted application before the Board takes final actions. After adoption of the transmittal resolutions, the Board will be requested to approve, on first reading, an ordinance for each transmitted application (Item Nos. 4A1 and 4B1) that will be used at a later date to take final action on the pending applications. A subsequent public hearing, currently scheduled for July 22, 2015, will be held for the Board to take final action on the standard applications that are transmitted to the State Land Planning Agency and other reviewing agencies.

Section 2-116.1 of the Code of Miami-Dade County requires that changes to a declaration of restrictive covenant that was accepted in connection with a prior application to amend the CDMP shall require a vote of two-thirds of the Board members present, but no less than seven (7) affirmative votes. Standard Application Nos. 6 and 7 request modifications to existing CDMP Declarations of Restrictions and will each require an affirmative vote of two-thirds of the members present, but no less than seven (7) affirmative votes of the Board for adoption at the Board's scheduled July 2015 CDMP hearing.

Scope

Application No. 6 is located within District 2 (Commissioner Monestime); and Application No. 7 is located within District 10 (Commissioner Souto).

Fiscal Impact

There is no direct fiscal impact associated with Application Nos. 6 and 7. However, the development allowed by CDMP amendment Application Nos. 6 and 7 may have varying impacts to County services. The impacts associated with each application are discussed in the "Initial Recommendations November 2014 Applications to Amend the Comprehensive Development Master Plan" report dated March 2015.

Track Record/Monitor

Amendments to the CDMP do not involve contracts so a Track Record/Monitor is not applicable.



Jack Osterholt, Deputy Mayor

Attachment A

Summary of Recommendations November 2014 Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida April 31, 2015

Application Number / Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation March 2015	Community Council Recommendation, Resolution # and Date	PAB/LPA Recommendation April 20, 2015	BCC Action/ Recommendation May 6, 2015
1 / small-scale	Barry University, Inc. / Stanley B. Price, Esq. & Carter N. McDowell, Esq. Between NE/NW 115 Street and NE/NW 116 Street and between NE 2 Avenue and NW 2 Avenue / (±8.1 gross; ±8.1 net) <u>Requested Amendment to the LUP Map:</u> From: "Low Density Residential (2.5 to 6 DU/Ac.)" To: "Office/Residential"	3 / Edmonson	Adopt as a Small-Scale Amendment	Adopt as a Small-Scale Amendment CC 8-01-15 (March 31, 2015)		
2 / small-scale	TRR Everglades, LLC. / Patricia M. Baloyra, Esq. Southeast corner of the intersection of SW 40 Street and SW 107 Avenue / (±2.38 gross; ±2.38 net) <u>Requested Amendment to the LUP Map:</u> 1. From: "Low Density Residential (2.5 to 6 DU/Ac.)" To: "Business and Office" 2. Add proffered Declaration of Restrictions to the Restrictions Table in Appendix A on Page 1-95 of the CDMP Land Use Element	10 / Souto	Adopt with Acceptance of the proffered Declaration of Restrictions as a Small-Scale Amendment	Adopt with acceptance of the proffered Declaration of Restrictions as a Small-Scale Amendment CC 10-01-15 (March 26, 2015)		
3 / small-scale	Hamlet T. Mendez & Rosanna Mendez / Jorge Navarro, Esq. East side of SW 120 Avenue at theoretical SW 91 Street / (±0.47 gross; ±0.44 net) <u>Requested Amendment to the LUP map:</u> From: "Low Density Residential (2.5 to 6 DU/Ac.)" To: "Medium Density Residential (13 to 25 DU/Ac.)"	7 / Suarez	Adopt with Change as a Small-Scale Amendment	No Quorum (March 31, 2015)		

Application Number / Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation March 2015	Community Council Recommendation, Resolution # and Date	PAB/LPA Recommendation April 20, 2015	BCC Action/ Recommendation May 6, 2015
4 / small-scale	South Dixie and 122, LLC. / Hugo P. Arza, Esq. & Alejandro Arias, Esq. West of US-1 at the northwest corner of SW 122 Street and the South Dade Busway / (±1.59 gross; ±1.59 net) <u>Requested Amendment to the LUP Map:</u> From: "Estate Density Residential (1 to 2.5 DU/Ac.)" To: "Low-Medium Density Residential (5 to 13 DU/Ac.)"	8 / Levine Cava	Adopt as a Small-Scale Amendment	Deny CC 12-01-15 (March 30, 2015)		
5 / small-scale	Village at Coral Reef, LLC. / Juan J. Mayol, Jr., Esq., Hugo P. Arza, Esq., and Alejandro Arias, Esq. Location: North of SW 152 Street and 300 feet west of theoretical SW 97 Avenue / (±5.12 gross; ±4.76 net) <u>Requested Amendment to the LUP Map:</u> 1. From: "Low Density Residential (2.5 to 6 DU/Ac.)" To: "Medium Density Residential with One Density Increase (DL-1; 25 to 60 dwelling units per gross acre with good urban design)" 2. Add proffered Declaration of Restrictions to the Restrictions Table in Appendix A on Page 1-95 of the CDMP Land Use Element.	9 / Moss	Acceptance of the Proffered Declaration of Restrictions as a Small-Scale Amendment	Deny CC 14-01-15 (March 25, 2015)		

Application Number / Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation March 2015	Community Council Recommendation, Resolution # and Date	PAB/LPA Recommendation April 20, 2015	BCC Action/ Recommendation May 5, 2015
6 / standard	<p>Rosal WestView LLC / Jeffrey Barrow Esq. & Glanell Mestre, Esq.</p> <p>Between NW 22 and 27 Avenues and between NW 132 and NW 107 Streets / (±196.49 gross; ±180.4 net)</p> <p>Requested Amendment to CDMP text</p> <p>Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element regarding the October 2011 Cycle Application No. 1 (Declaration of Restrictions recorded in Book 28896 Pages 1971-2007 of the Official Records) pertaining to the perimeter buffer, vehicular access, an alternative program to FDOT's "Adopt a Highway" program, and the applicability or conditions to each parcel in the application area.</p>	2 / Monesime	Transmit with Change and Adopt	Transmit with Change as requested by the applicant and Adopt CC 8-02-15 (March 31, 2015)		

Application Number / Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation March 2015	Community Council Recommendation # and Date	PAB/LPA Recommendation April 20, 2015	BCC Action/ Recommendation May 6, 2015
7 / standard	<p>Keep Bleau Green Committee, Inc. / Felix Lasarte, Esq.</p> <p>Between NW 97 and NW 87 Avenues and between West Flagler and theoretical NW 8 Street (south of SR 836) / (±112.0 Gross Acres, ±110.0 Net Acres)</p> <p><u>Requested Amendment to CDMP Text and LUP Map:</u></p> <ol style="list-style-type: none"> 1. Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, regarding April 2004 CDMP Amendment Cycle Application No. 3, to exclude the 5-acre Parcel A. (Declaration of Restrictions recorded in Book 23413 Page 1136 of Miami-Dade County Official Records -- as modified by the First Modification to the Declaration of Restrictions recorded on Book 26955, Page 908 of Official Records); and 2. Redesignate Parcel A (±5.2 acres): From: "Parks and Recreation" To: "Medium Density Residential (13 to 25 DU/Ac.)" 3. Add two proffered Declarations of Restrictions to the Restrictions Table in Appendix A on Page i-95 of the CDMP Land Use Element. 	10 / Souto	Transmit and Adopt with Acceptance of the Proffered Declarations of Restrictions	Transmit with the recommendation that the Keep Bleau Green Committee, Inc. meet with the homeowners associations to obtain their input and concurrence with the application CC 10-02-15 (March 26, 2015)		

Source: Miami-Dade County Department of Regulatory and Economic Resources (Department)

Notes:

BCC: Board of County Commissioners; LPA: Local Planning Agency
CC (8): North Central Community Council; CC (10): Westchester Community Council
CC (12): Kendal Community Council; CC (14): Redland Community Council